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EXAMINER				
BEAUCHAINE, MARK J				
ART UNIT		PAPER NUMBER		
3653				
NOTIFICATION DATE		DELIVERY MODE		
03/12/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

Office Action Summary

Application No.

10/775,873

Applicant(s)

BERGERON ET AL.

Examiner

MARK J. BEAUCHAINE

Art Unit

3653

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 48-61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 48-56, 58 and 61 is/are rejected.
- 7) ☒ Claim(s) 57, 59 and 60 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 58 and 61 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The Applicant's original disclosure fails to describe the "crankshaft" of said claims (claim 58, line 2; and claim 61, line 2) as being "operable to rotate about a fixed center".

Appropriate correction is required.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 58 and 61 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are the "driven gear" that is

connected between the link arm (claim 58, line 1; and claim 61, line1) and the "crankshaft" (claim 58, line 2; and claim 61, line 2).

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claim 48 is rejected under 35 U.S.C. 102(a) as being anticipated by Patent Number US 6,896,255 B1 by Fick et al ("Fick"). The banknote stacker mechanism disclosed by Fick comprises stacker plate 48 and a drive means that is coupled to said stacker plate and includes non-circular gears 24 (see Figures 1 and 2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 49 and 52-54 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patent Number 5,372,361 by Isobe et al ("Isobe") in view of Patent Number US 6,286,629 B1 by Saunders ("Saunders"). The banknote stacker mechanism disclosed by Isobe comprises stacker plate 32 (see Figure 4), first scissor arm 33 that is pivotally connected at a first end about a fixed point on said stacker plate, and second scissor arm 33' that is slidably connected at a first end to said stacker plate, is pivotally connected to said first scissor arm at its center 34, and is pivotally connected at a second end 33C about a fixed point on a frame. Isobe further discloses a drive means (see Figure 6) having link arm 36 that is connected to said first scissor arm at pivot point 33b of said first scissor arm to drive said stacker plate (see column 5, lines 44-68).

Isobe fails to disclose said first scissor arm/link arm pivot point being at a midpoint of said scissor arm. Saunders teaches a scissor arm/stacker plate configuration comprising link arm 9 that is pivotally connected at a midpoint of scissor arm 3 for the purpose of providing an operator with an easily accessible link arm/scissor arm connection during servicing operations. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the midpoint link arm connection Saunders into the scissor arm configuration of Isobe for the purpose of providing an operator with an easily accessible link arm/scissor arm connection during servicing operations.

Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over Isobe in view of Saunders as applied to claim 49 above, and further in view of Fick.

Isobe/Saunders fails to disclose said drive means having non-circular drive gears.

The banknote stacker of Fick comprises a drive means having non-circular gears 56 for the purpose of activating stacker plate 48. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the drive means configuration of Fick into the stacker mechanism of Isobe/Saunders for the purpose of activating said stacker plate.

Claims 51 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Isobe in view of Saunders in view of Fick. The banknote stacker mechanism disclosed by Isobe comprises stacker plate 32 (see Figure 4), first scissor arm 33 that is pivotally connected at a first end about a fixed point on said stacker plate, and second scissor arm 33' that is slidably connected at a first end to said stacker plate, is pivotally connected to said first scissor arm at its center 34, and is pivotally connected at a second end 33C about a fixed point on a frame. Isobe further discloses a drive means (see Figure 6) having link arm 36 that is connected to said first scissor arm at pivot point 33b of said first scissor arm to drive said stacker plate (see column 5, lines 44-68).

Isobe fails to disclose said first scissor arm/link arm pivot point being at a midpoint of said scissor arm. Saunders teaches a scissor arm/stacker plate configuration comprising link arm 9 that is pivotally connected at a midpoint of scissor arm 3 for the purpose of actuating stacker plate 1. It would have been obvious to one of

ordinary skill in the art at the time the invention was made to incorporate the midpoint link arm connection Saunders into the scissor arm configuration of Isobe for the purpose of activating said stacking plate.

Isobe fails to disclose said drive means having non-circular drive gears. The banknote stacker of Fick comprises a drive means having non-circular gears 56 for the purpose of activating stacker plate 48. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the drive means configuration of Fick into the stacker mechanism of Isobe for the purpose of activating said stacker plate.

Allowable Subject Matter

Claims 57, 59 and 60 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 29 December 2008 (hereinafter "Arguments") have been fully considered but they are not persuasive. Regarding claim 48, although the Applicant argues that Fick fails to disclose non-circular drive means (see Arguments at

page 6, lines 12-17), the drive means of Fick comprises non-circular drive gears 56 which drive the assembly of stacker plate 48 (see Fick at Figure 1).

Regarding the Applicant's argument related to claims 49, 51 and 53 (see Arguments at page 7, line 24 through page 8, line 5), one of ordinary skill would have motivated to combine Isobe in view of Saunders for the purpose of providing an easily accessible and serviceable connection as explained above. Despite the Applicant's argument that Saunders is non-analogous to Isobe (see Arguments at page 8, lines 6-20), both the inventions of Isobe and Saunders comprise horizontally flat structures that vertically elevate articles via an actuated scissor-type linking arrangement, and thus, are analogous art. Still further in regards to claim 49, although the Applicant argues that the connecting arrangement of Saunders would make it more difficult to operate the exchangeable pusher of Isobe (see Arguments at page 8, lines 21-25), one of ordinary skill incorporate the mid-point connection of the arm 9 of Saunders into the linking arrangement of Isobe and still retain the connecting arrangement of Isobe to connect the link arm with the scissor arm.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARK J. BEAUCHAINE whose telephone number is (571)272-6934. The examiner can normally be reached on 8:00AM through 5:00PM Mondays through Thursdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick H. Mackey can be reached on (571)272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patrick H. Mackey/
Supervisory Patent Examiner, Art
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mjb